

**Filed 6/4/02 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2002 ND 90

In the Interest of T.J.R., a child

Kathy McMerty,

Petitioner and Appellee

v.

T.J.R., Child;
E.R., Mother;
D.K., Father; and
the child's guardian
ad litem, William D.
Schmidt, Attorney,

Respondents

D.K., Father,

Respondent and Appellant

No. 20010300

Appeal from the District Court of Morton County, South Central Judicial District, the Honorable Bruce B. Haskell, Judge.

AFFIRMED.

Per Curiam.

Brandi Sasse Russell (on brief), Assistant State's Attorney, Courthouse, 514 E. Thayer Avenue, Bismarck, ND 58501-4413, for petitioner and appellee.

Anne E. Summers (on brief), Dyer & Summers, P.C., 418 E. Broadway Avenue, Ste. 246, P.O. Box 2261, Bismarck, ND 58502-2261, for respondent and appellant D.K.

Interest of T.J.R.

No. 20010300

Per Curiam.

[¶1] D.K. appeals from a court order adopting a judicial referee's recommendation to terminate his parental rights to T.J.R. Although we review a decision to terminate parental rights in a manner similar to a trial de novo, deference is given to the juvenile court's decision because it had the opportunity to observe the candor and demeanor of the witnesses. In the Interest of W.E., 2000 ND 208, ¶ 6, 619 N.W.2d 494. Absent abandonment or consent, to terminate parental rights "the State must prove by clear and convincing evidence: (1) the child is deprived; (2) the conditions and causes of the deprivation are likely to continue or will not be remedied; and (3) the child is suffering, or will probably suffer, serious physical, mental, moral, or emotional harm by reason of the deprivation." In the Interest of C.R.C., 2001 ND 83, ¶ 6, 625 N.W.2d 533. The judicial referee found both abandonment and deprivation. After a careful review of the record and transcripts, we conclude there is clear and convincing evidence warranting termination of D.K.'s parental rights. We summarily affirm under N.D.R.App.P. 35.1(a)(2).

[¶2] Gerald W. VandeWalle, C.J.
Carol Ronning Kapsner
Dale V. Sandstrom
William A. Neumann
Mary Muehlen Maring